

105TH CONGRESS  
1ST SESSION

# S. 738

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## AN ACT

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49;**

4 **TABLE OF SECTIONS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Amtrak Reform and Accountability Act of 1997”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES  
 2 CODE.—Except as otherwise expressly provided, whenever  
 3 in this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or a repeal of, a section or other  
 5 provision, the reference shall be considered to be made to  
 6 a section or other provision of title 49, United States  
 7 Code.

8 (c) TABLE OF SECTIONS.—The table of sections for  
 9 this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of sections.  
 Sec. 2. Findings.

#### TITLE I—REFORMS

##### Subtitle A—Operational Reforms

Sec. 101. Basic system.  
 Sec. 102. Mail, express, and auto-ferry transportation.  
 Sec. 103. Route and service criteria.  
 Sec. 104. Additional qualifying routes.  
 Sec. 105. Transportation requested by States, authorities, and other persons.  
 Sec. 106. Amtrak commuter.  
 Sec. 107. Through service in conjunction with intercity bus operations.  
 Sec. 108. Rail and motor carrier passenger service.  
 Sec. 109. Passenger choice.  
 Sec. 110. Application of certain laws.

##### Subtitle B—Procurement

Sec. 121. Contracting out.

##### Subtitle C—Employee Protection Reforms

Sec. 141. Railway Labor Act Procedures.  
 Sec. 142. Service discontinuance.

##### Subtitle D—Use of Railroad Facilities

Sec. 161. Liability limitation.  
 Sec. 162. Retention of facilities.

#### TITLE II—FISCAL ACCOUNTABILITY

Sec. 201. Amtrak financial goals.  
 Sec. 202. Independent assessment.  
 Sec. 203. Amtrak Reform Council.  
 Sec. 204. Sunset trigger.

- Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.
- Sec. 206. Access to records and accounts.
- Sec. 207. Officers' pay.
- Sec. 208. Exemption from taxes.
- Sec. 209. Limitation on use of tax refund.

### TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.

### TITLE IV—MISCELLANEOUS

- Sec. 401. Status and applicable laws.
- Sec. 402. Waste disposal.
- Sec. 403. Assistance for upgrading facilities.
- Sec. 404. Demonstration of new technology.
- Sec. 405. Program master plan for Boston-New York main line.
- Sec. 406. Americans with Disabilities Act of 1990.
- Sec. 407. Definitions.
- Sec. 408. Northeast Corridor cost dispute.
- Sec. 409. Inspector General Act of 1978 amendment.
- Sec. 410. Interstate rail compacts.
- Sec. 411. Composition of Amtrak board of directors.
- Sec. 412. Educational participation.
- Sec. 413. Report to Congress on Amtrak bankruptcy.
- Sec. 414. Amtrak to notify Congress of lobbying relationships.

## 1 **SEC. 2. FINDINGS.**

2       The Congress finds that—

3           (1) intercity rail passenger service is an essen-  
 4       tial component of a national intermodal passenger  
 5       transportation system;

6           (2) Amtrak is facing a financial crisis, with  
 7       growing and substantial debt obligations severely  
 8       limiting its ability to cover operating costs and jeop-  
 9       ardizing its long-term viability;

10          (3) immediate action is required to improve  
 11       Amtrak's financial condition if Amtrak is to survive;

12          (4) all of Amtrak's stakeholders, including  
 13       labor, management, and the Federal Government,

1 must participate in efforts to reduce Amtrak's costs  
2 and increase its revenues;

3 (5) additional flexibility is needed to allow Am-  
4 trak to operate in a businesslike manner in order to  
5 manage costs and maximize revenues;

6 (6) Amtrak should ensure that new manage-  
7 ment flexibility produces cost savings without com-  
8 promising safety;

9 (7) Amtrak's management should be held ac-  
10 countable to ensure that all investment by the Fed-  
11 eral Government and State governments is used ef-  
12 fectively to improve the quality of service and the  
13 long-term financial health of Amtrak;

14 (8) Amtrak and its employees should proceed  
15 quickly with proposals to modify collective bargain-  
16 ing agreements to make more efficient use of man-  
17 power and to realize cost savings which are nec-  
18 essary to reduce Federal financial assistance;

19 (9) Amtrak and intercity bus service providers  
20 should work cooperatively and develop coordinated  
21 intermodal relationships promoting seamless trans-  
22 portation services which enhance travel options and  
23 increase operating efficiencies;

24 (10) Amtrak's Strategic Business Plan calls for  
25 the establishment of a dedicated source of capital

1 funding for Amtrak in order to ensure that Amtrak  
 2 will be able to fulfill the goals of maintaining—

3 (A) a national passenger rail system; and

4 (B) that system without Federal operating  
 5 assistance; and

6 (11) Federal financial assistance to cover oper-  
 7 ating losses incurred by Amtrak should be elimi-  
 8 nated by the year 2002.

## 9 **TITLE I—REFORMS**

### 10 **Subtitle A—Operational Reforms**

#### 11 **SEC. 101. BASIC SYSTEM.**

12 (a) OPERATION OF BASIC SYSTEM.—Section 24701  
 13 is amended to read as follows:

#### 14 **“§ 24701. Operation of basic system**

15 “Amtrak shall provide intercity rail passenger trans-  
 16 portation within the basic system. Amtrak shall strive to  
 17 operate as a national rail passenger transportation system  
 18 which provides access to all areas of the country and ties  
 19 together existing and emergent regional rail passenger  
 20 corridors and other intermodal passenger service.”.

21 (b) IMPROVING RAIL PASSENGER TRANSPOR-  
 22 TATION.—Section 24702 and the item relating thereto in  
 23 the table of sections for chapter 247 are repealed.

24 (c) DISCONTINUANCE.—Section 24706 is amended—

1 (1) by striking “90 days” and inserting “180  
2 days” in subsection (a)(1);

3 (2) by striking “24707(a) or (b) of this title,”  
4 in subsection (a)(1) and inserting “or discontinuing  
5 service over a route,”;

6 (3) by inserting “or assume” after “agree to  
7 share” in subsection (a)(1); and

8 (4) by striking “section 24707(a) or (b) of this  
9 title” in subsections (a)(2) and (b)(1) and inserting  
10 “paragraph (1)”.

11 (d) COST AND PERFORMANCE REVIEW.—Section  
12 24707 and the item relating thereto in the table of sec-  
13 tions for chapter 247 are repealed.

14 (e) SPECIAL COMMUTER TRANSPORTATION.—Section  
15 24708 and the item relating thereto in the table of sec-  
16 tions for chapter 247 are repealed.

17 (f) CONFORMING AMENDMENT.—Section  
18 24312(a)(1) is amended by striking “, 24701(a),”.

19 **SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**  
20 **TATION.**

21 (a) REPEAL.—Section 24306 is amended—

22 (1) by striking the last sentence of subsection  
23 (a); and

24 (2) by striking subsection (b) and inserting the  
25 following:

1       “(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-  
 2 FERRY TRANSPORTATION.—State and local laws and reg-  
 3 ulations that impair the provision of auto-ferry transpor-  
 4 tation do not apply to Amtrak or a rail carrier providing  
 5 auto-ferry transportation. A rail carrier may not refuse  
 6 to participate with Amtrak in providing auto-ferry trans-  
 7 portation because a State or local law or regulation makes  
 8 the transportation unlawful.”.

9       **SEC. 103. ROUTE AND SERVICE CRITERIA.**

10       Section 24703 and the item relating thereto in the  
 11 table of sections for chapter 247 are repealed.

12       **SEC. 104. ADDITIONAL QUALIFYING ROUTES.**

13       Section 24705 and the item relating thereto in the  
 14 table of sections for chapter 247 are repealed.

15       **SEC. 105. TRANSPORTATION REQUESTED BY STATES, AU-**  
 16                                   **THORITIES, AND OTHER PERSONS.**

17       Section 24101(c)(2) is amended by inserting “, sepa-  
 18 rately or in combination,” after “and the private sector”.

19       **SEC. 106. AMTRAK COMMUTER.**

20       (a) REPEAL OF CHAPTER 245.—Chapter 245 and the  
 21 item relating thereto in the table of chapters for subtitle  
 22 V of such title, are repealed.

23       (b) CONFORMING AMENDMENT.—Section 24301(f) is  
 24 amended to read as follows:

1       “(f) TAX EXEMPTION FOR CERTAIN COMMUTER AU-  
 2 THORITIES.—A commuter authority that was eligible to  
 3 make a contract with Amtrak Commuter to provide com-  
 4 muter rail passenger transportation but which decided to  
 5 provide its own rail passenger transportation beginning  
 6 January 1, 1983, is exempt, effective October 1, 1981,  
 7 from paying a tax or fee to the same extent Amtrak is  
 8 exempt.”.

9       (c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal  
 10 of chapter 245 of title 49, United States Code, by sub-  
 11 section (a) of this section is without prejudice to the reten-  
 12 tion of trackage rights over property owned or leased by  
 13 commuter authorities.

14 **SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH**  
 15 **INTERCITY BUS OPERATIONS.**

16       (a) IN GENERAL.—Section 24305(a) is amended by  
 17 adding at the end the following new paragraph:

18       “(3)(A) Except as provided in subsection (d)(2), Am-  
 19 trak may enter into a contract with a motor carrier of  
 20 passengers for the intercity transportation of passengers  
 21 by motor carrier over regular routes only—

22               “(i) if the motor carrier is not a public recipient  
 23 of governmental assistance, as such term is defined  
 24 in section 13902(b)(8)(A) of this title, other than a  
 25 recipient of funds under section 5311 of this title;



1           “(ii) for passengers who have had prior move-  
 2           ment by rail or will have subsequent movement by  
 3           rail; and

4           “(iii) if the buses, when used in the provision  
 5           of such transportation, are used exclusively for the  
 6           transportation of passengers described in clause (ii).

7           “(B) Subparagraph (A) shall not apply to transpor-  
 8           tation funded predominantly by a State or local govern-  
 9           ment, or to ticket selling agreements.”.

10          (b) **POLICY STATEMENT.**—Section 24305(d) is  
 11          amended by adding at the end the following new para-  
 12          graph:

13          “(3) Congress encourages Amtrak and motor com-  
 14          mon carriers of passengers to use the authority conferred  
 15          in section 11342(a) of this title for the purpose of provid-  
 16          ing improved service to the public and economy of oper-  
 17          ation.”.

18          **SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.**

19          (a) **IN GENERAL.**—Notwithstanding any other provi-  
 20          sion of law (other than section 24305(a) of title 49, United  
 21          States Code), Amtrak and motor carriers of passengers  
 22          are authorized—

23                 (1) to combine or package their respective serv-  
 24                 ices and facilities to the public as a means of in-  
 25                 creasing revenues; and

1           (2) to coordinate schedules, routes, rates, res-  
2       ervations, and ticketing to provide for enhanced  
3       intermodal surface transportation.

4       (b) REVIEW.—The authority granted by subsection  
5       (a) is subject to review by the Surface Transportation  
6       Board and may be modified or revoked by the Board if  
7       modification or revocation is in the public interest.

8       **SEC. 109. PASSENGER CHOICE.**

9       Federal employees are authorized to travel on Am-  
10      trak for official business where total travel cost from office  
11      to office is competitive on a total trip or time basis.

12      **SEC. 110. APPLICATION OF CERTAIN LAWS.**

13      (a) APPLICATION OF FOIA.—Section 24301(e) is  
14      amended by adding at the end thereof the following: “Sec-  
15      tion 552 of title 5, United States Code, applies to Amtrak  
16      for any fiscal year in which Amtrak receives a Federal  
17      subsidy.”.

18      (b) APPLICATION OF FEDERAL PROPERTY AND AD-  
19      MINISTRATIVE SERVICES ACT.—Section 303B(m) of the  
20      Federal Property and Administrative Services Act of 1949  
21      (41 U.S.C. 253b(m)) applies to a proposal in the posses-  
22      sion or control of Amtrak.

1           **Subtitle B—Procurement**

2   **SEC. 121. CONTRACTING OUT.**

3           (a) REPEAL OF BAN ON CONTRACTING OUT.—Sec-  
4   tion 24312 of title 49, United States Code, is amended—

5               (1) by striking subsection (b);

6               (2) by striking “(1)” in subsection (a); and

7               (3) by striking “(2)” in subsection (a) and in-  
8   serting “(b) WAGE RATES.—”.

9           (b) AMENDMENT OF EXISTING COLLECTIVE BAR-  
10   GAINING AGREEMENT.—

11               (1) CONTRACTING OUT.—Any collective bar-  
12   gaining agreement entered into between Amtrak and  
13   an organization representing its employees before  
14   the date of enactment of this Act is deemed amend-  
15   ed to include the language of section 24312(b) of  
16   title 49, United States Code, as that section existed  
17   on the day before the effective date of the amend-  
18   ments made by subsection (a).

19               (2) ENFORCEABILITY OF AMENDMENT.—The  
20   amendment to any such collective bargaining agree-  
21   ment deemed to be made by paragraph (1) of this  
22   subsection is binding on all parties to the agreement  
23   and has the same effect as if arrived at by agree-  
24   ment of the parties under the Railway Labor Act.

1       (c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN  
2 NEGOTIATIONS.—Proposals on the subject matter of con-  
3 tracting out work, other than work related to food and  
4 beverage service, which results in the layoff of an Amtrak  
5 employee—

6           (1) shall be included in negotiations under sec-  
7 tion 6 of the Railway Labor Act (45 U.S.C. 156),  
8 between Amtrak and an organization representing  
9 Amtrak employees, which shall be commenced by—

10           (A) the date on which labor agreements  
11 under negotiation on the date of enactment of  
12 this Act may be re-opened; or

13           (B) November 1, 1999,  
14 whichever is earlier;

15           (2) may, at the mutual election of Amtrak and  
16 an organization representing Amtrak employees, be  
17 included in any negotiation in progress under section  
18 6 of the Railway Labor Act (45 U.S.C. 156), on the  
19 date of enactment of this Act; and

20           (3) may not be included in any negotiation in  
21 progress under section 6 of the Railway Labor Act,  
22 (45 U.S.C. 156), on the date of enactment of this  
23 Act, unless both Amtrak and the organization rep-  
24 resenting Amtrak employees agree to include it in  
25 the negotiation.

1 No contract between Amtrak and an organization rep-  
 2 resenting Amtrak employees, that is under negotiation on  
 3 the date of enactment of this Act, may contain a morato-  
 4 rium that extends more than 5 years from the date of ex-  
 5 piration of the last moratorium.

6 (d) NO INFERENCE.—The amendment made by sub-  
 7 section (a) is without prejudice to the power of Amtrak  
 8 to contract out the provision of food and beverage services  
 9 on board Amtrak trains or to contract out work not result-  
 10 ing in the layoff of Amtrak employees.

## 11 **Subtitle C—Employee Protection** 12 **Reforms**

### 13 **SEC. 141. RAILWAY LABOR ACT PROCEDURES.**

14 (a) NOTICES.—Notwithstanding any arrangement in  
 15 effect before the date of the enactment of this Act, notices  
 16 under section 6 of the Railway Labor Act (45 U.S.C. 156)  
 17 with respect to all issues relating to employee protective  
 18 arrangements and severance benefits which are applicable  
 19 to employees of Amtrak, including all provisions of Appen-  
 20 dix C–2 to the National Railroad Passenger Corporation  
 21 Agreement, signed July 5, 1973, shall be deemed served  
 22 and effective on the date which is 45 days after the date  
 23 of the enactment of this Act. Amtrak, and each affected  
 24 labor organization representing Amtrak employees, shall

1 promptly supply specific information and proposals with  
2 respect to each such notice.

3 (b) NATIONAL MEDIATION BOARD EFFORTS.—Ex-  
4 cept as provided in subsection (c), the National Mediation  
5 Board shall complete all efforts, with respect to the dis-  
6 pute described in subsection (a), under section 5 of the  
7 Railway Labor Act (45 U.S.C. 155) not later than 120  
8 days after the date of the enactment of this Act.

9 (c) RAILWAY LABOR ACT ARBITRATION.—The par-  
10 ties to the dispute described in subsection (a) may agree  
11 to submit the dispute to arbitration under section 7 of the  
12 Railway Labor Act (45 U.S.C. 157), and any award re-  
13 sulting therefrom shall be retroactive to the date which  
14 is 120 days after the date of the enactment of this Act.

15 (d) DISPUTE RESOLUTION.—

16 (1) With respect to the dispute described in  
17 subsection (a) which—

18 (A) is unresolved as of the date which is  
19 120 days after the date of the enactment of this  
20 Act; and

21 (B) is not submitted to arbitration as de-  
22 scribed in subsection (c), Amtrak shall, and the  
23 labor organization parties to such dispute shall,  
24 within 127 days after the date of the enactment  
25 of this Act, each select an individual from the

1 entire roster of arbitrators maintained by the  
2 National Mediation Board. Within 134 days  
3 after the date of the enactment of this Act, the  
4 individuals selected under the preceding sen-  
5 tence shall jointly select an individual from such  
6 roster to make recommendations with respect to  
7 such dispute under this subsection. If the Na-  
8 tional Mediation Board is not informed of the  
9 selection under the preceding sentence 134 days  
10 after the date of enactment of this Act, the  
11 Board will immediately select such individual.

12 (2) No individual shall be selected under para-  
13 graph (1) who is pecuniarily or otherwise interested  
14 in any organization of employees or any railroad or  
15 who is selected pursuant to section 121(e) of this  
16 Act.

17 (3) The compensation of individuals selected  
18 under paragraph (1) shall be fixed by the National  
19 Mediation Board. The second paragraph of section  
20 10 of the Railway Labor Act shall apply to the ex-  
21 penses of such individuals as if such individuals were  
22 members of a board created under such section 10.

23 (4) If the parties to a dispute described in sub-  
24 section (a) fail to reach agreement within 150 days  
25 after the date of the enactment of this Act, the indi-

1       vidual selected under paragraph (1) with respect to  
2       such dispute shall make recommendations to the  
3       parties proposing contract terms to resolve the dis-  
4       pute.

5           (5) If the parties to a dispute described in sub-  
6       section (a) fail to reach agreement, no change shall  
7       be made by either of the parties in the conditions  
8       out of which the dispute arose for 30 days after rec-  
9       ommendations are made under paragraph (4).

10          (6) Section 10 of the Railway Labor Act (45  
11       U.S.C. 160) shall not apply to a dispute described  
12       in subsection (a).

13       (e) NO PRECEDENT FOR FREIGHT.—Nothing in this  
14       Act, or in any amendment made by this Act, shall affect  
15       the level of protection provided to freight railroad employ-  
16       ees and mass transportation employees as it existed on  
17       the day before the date of enactment of this Act.

18       **SEC. 142. SERVICE DISCONTINUANCE.**

19       (a) REPEAL.—Section 24706(c) of title 49, United  
20       States Code, is repealed.

21       (b) EXISTING CONTRACTS.—Any provision of a con-  
22       tract entered into before the date of the enactment of this  
23       Act between Amtrak and a labor organization representing  
24       Amtrak employees relating to employee protective ar-  
25       rangements and severance benefits applicable to employees



1 of Amtrak is extinguished, including all provisions of Ap-  
 2 pendix C–2 to the National Railroad Passenger Corpora-  
 3 tion Agreement, signed July 5, 1973.

4 (c) SPECIAL EFFECTIVE DATE.—Subsections (a) and  
 5 (b) of this section shall take effect 180 days after the date  
 6 of the enactment of this Act.

7 (d) NONAPPLICATION OF BANKRUPTCY LAW PROVI-  
 8 SION.—Section 1172(c) of title 11, United States Code,  
 9 shall not apply to Amtrak and its employees.

## 10 **Subtitle D—Use of Railroad** 11 **Facilities**

### 12 **SEC. 161. LIABILITY LIMITATION.**

13 (a) IN GENERAL.—Chapter 281 is amended by add-  
 14 ing at the end the following new section:

#### 15 **“§ 28103. Limitations on rail passenger transpor- 16 tation liability**

17 “(a) LIMITATIONS.—(1) Notwithstanding any other  
 18 statutory or common law or public policy, or the nature  
 19 of the conduct giving rise to damages or liability, in a  
 20 claim for personal injury to a passenger, death of a pas-  
 21 senger, or damage to property of a passenger arising from  
 22 or in connection with the provision of rail passenger trans-  
 23 portation, or from or in connection with any rail passenger  
 24 transportation operations over or rail passenger transpor-  
 25 tation use of right-of-way or facilities owned, leased, or

1 maintained by any high-speed railroad authority or opera-  
2 tor, any commuter authority or operator, any rail carrier,  
3 or any State, punitive damages, to the extent permitted  
4 by applicable State law, may be awarded in connection  
5 with any such claim only if the plaintiff establishes by  
6 clear and convincing evidence that the harm that is the  
7 subject of the action was the result of conduct carried out  
8 by the defendant with a conscious, flagrant indifference  
9 to the rights or safety of others. If, in any case wherein  
10 death was caused, the law of the place where the act or  
11 omission complained of occurred provides, or has been  
12 construed to provide, for damages only punitive in nature,  
13 this paragraph shall not apply.

14 “(2) The aggregate allowable awards to all rail pas-  
15 sengers, against all defendants, for all claims, including  
16 claims for punitive damages, arising from a single accident  
17 or incident, shall not exceed \$200,000,000.

18 “(b) CONTRACTUAL OBLIGATIONS.—A provider of  
19 rail passenger transportation may enter into contracts  
20 that allocate financial responsibility for claims.

21 “(c) MANDATORY COVERAGE.—Amtrak shall main-  
22 tain a total minimum liability coverage through insurance  
23 and self-insurance of at least \$200,000,000.

24 “(d) EFFECT ON OTHER LAWS.—This section shall  
25 not affect the damages that may be recovered under the

1 Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly  
 2 known as the ‘Federal Employers’ Liability Act’) or under  
 3 any workers compensation Act.

4 “(e) DEFINITION.—For purposes of this section—

5 “(1) the term ‘claim’ means a claim made—

6 “(A) against Amtrak, any high-speed rail-  
 7 road authority or operator, any commuter au-  
 8 thority or operator, any rail carrier, or any  
 9 State; or

10 “(B) against an officer, employee, affiliate  
 11 engaged in railroad operations, or agent, of  
 12 Amtrak, any high-speed railroad authority or  
 13 operator, any commuter authority or operator,  
 14 any rail carrier, or any State;

15 “(2) the term ‘punitive damages’ means dam-  
 16 ages awarded against any person or entity to punish  
 17 or deter such person or entity, or others, from en-  
 18 gaging in similar behavior in the future; and

19 “(3) the term ‘rail carrier’ includes a person  
 20 providing excursion, scenic, or museum train service,  
 21 and an owner or operator of a privately owned rail  
 22 passenger car.”.

23 (b) CONFORMING AMENDMENT.—The table of sec-  
 24 tions for chapter 281 is amended by adding at the end  
 25 the following new item:

“28103. Limitations on rail passenger transportation liability.”.

1 **SEC. 162. RETENTION OF FACILITIES.**

2 Section 24309(b) is amended by inserting “or on  
3 January 1, 1997,” after “1979,”.

4 **TITLE II—FISCAL**  
5 **ACCOUNTABILITY**

6 **SEC. 201. AMTRAK FINANCIAL GOALS.**

7 Section 24101(d) is amended by adding at the end  
8 thereof the following: “Amtrak shall prepare a financial  
9 plan to operate within the funding levels authorized by  
10 section 24104 of this chapter, including budgetary goals  
11 for fiscal years 1998 through 2002. Commencing no later  
12 than the fiscal year following the fifth anniversary of the  
13 Amtrak Reform and Accountability Act of 1997, Amtrak  
14 shall operate without Federal operating grant funds ap-  
15 propriated for its benefit.”.

16 **SEC. 202. INDEPENDENT ASSESSMENT.**

17 (a) INITIATION.—Not later than 15 days after the  
18 date of enactment of this Act, the Secretary of Transpor-  
19 tation shall contract with an entity independent of Amtrak  
20 and not in any contractual relationship with Amtrak and  
21 of the Department of Transportation to conduct a com-  
22 plete independent assessment of the financial require-  
23 ments of Amtrak through fiscal year 2002. The entity  
24 shall have demonstrated knowledge about railroad indus-  
25 try accounting requirements, including the uniqueness of  
26 the industry and of Surface Transportation Board ac-

1 counting requirements. The Department of Transpor-  
2 tation, Office of Inspector General, shall approve the enti-  
3 ty's statement of work and the award and shall oversee  
4 the contract. In carrying out its responsibilities under the  
5 preceding sentence, the Inspector General's Office shall  
6 perform such overview and validation or verification of  
7 data as may be necessary to assure that the assessment  
8 conducted under this subsection meets the requirements  
9 of this section.

10 (b) ASSESSMENT CRITERIA.—The Secretary and Am-  
11 trak shall provide to the independent entity estimates of  
12 the financial requirements of Amtrak for the period de-  
13 scribed above, using as a base the fiscal year 1997 appro-  
14 priation levels established by the Congress. The independ-  
15 ent assessment shall be based on an objective analysis of  
16 Amtrak's funding needs.

17 (c) CERTAIN FACTORS TO BE TAKEN INTO AC-  
18 COUNT.—The independent assessment shall take into ac-  
19 count all relevant factors, including Amtrak's—

- 20 (1) cost allocation process and procedures;  
21 (2) expenses related to intercity rail passenger  
22 service, commuter service, and any other service Am-  
23 trak provides;

1           (3) Strategic Business Plan, including Amtrak's  
2           projected expenses, capital needs, ridership, and rev-  
3           enue forecasts; and

4           (4) Amtrak's assets and liabilities.

5 For purposes of paragraph (3), in the capital needs part  
6 of its Strategic Business Plan, Amtrak shall distinguish  
7 between that portion of the capital required for the North-  
8 east corridor and that required outside the Northeast cor-  
9 ridor, and shall include rolling stock requirements, includ-  
10 ing capital leases, "state of good repair" requirements,  
11 and infrastructure improvements.

12       (d) BIDDING PRACTICES.—

13           (1) STUDY.—The independent assessment also  
14           shall determine whether, and to what extent, Amtrak  
15           has performed each year during the period from  
16           1992 through 1996 services under contract at  
17           amounts less than the cost to Amtrak of performing  
18           such services with respect to any activity other than  
19           the provision of intercity rail passenger transpor-  
20           tation, or mail or express transportation. For pur-  
21           poses of this clause, the cost to Amtrak of perform-  
22           ing services shall be determined using generally ac-  
23           cepted accounting principles for contracting. If iden-  
24           tified, such contracts shall be detailed in the report  
25           of the independent assessment, as well as the meth-

1       odology for preparation of bids to reflect Amtrak's  
2       actual cost of performance.

3           (2) REFORM.—If the independent assessment  
4       performed under this subparagraph reveals that Am-  
5       trak has performed services under contract for an  
6       amount less than the cost to Amtrak of performing  
7       such services, with respect to any activity other than  
8       the provision of intercity rail passenger transpor-  
9       tation, or mail or express transportation, then Am-  
10      trak shall revise its methodology for preparation of  
11      bids to reflect its cost of performance.

12       (d) DEADLINE.—The independent assessment shall  
13      be completed not later than 180 days after the contract  
14      is awarded, and shall be submitted to the Council estab-  
15      lished under section 203, the Secretary of Transportation,  
16      the Committee on Commerce, Science, and Transportation  
17      of the United States Senate, and the Committee on Trans-  
18      portation and Infrastructure of the United States House  
19      of Representatives.

20   **SEC. 203. AMTRAK REFORM COUNCIL.**

21       (a) ESTABLISHMENT.—There is established an inde-  
22      pendent commission to be known as the Amtrak Reform  
23      Council.

24       (b) MEMBERSHIP.—

1           (1) IN GENERAL.—The Council shall consist of  
2   11 members, as follows:

3           (A) The Secretary of Transportation.

4           (B) Two individuals appointed by the  
5   President, of which—

6           (i) one shall be a representative of a  
7   rail labor organization; and

8           (ii) one shall be a representative of  
9   rail management.

10          (C) Three individuals appointed by the  
11   Majority Leader of the United States Senate.

12          (D) One individual appointed by the Mi-  
13   nority Leader of the United States Senate.

14          (E) Three individuals appointed by the  
15   Speaker of the United States House of Rep-  
16   resentatives.

17          (F) One individual appointed by the Mi-  
18   nority Leader of the United States House of  
19   Representatives.

20          (2) APPOINTMENT CRITERIA.—

21           (A) TIME FOR INITIAL APPOINTMENTS.—  
22   Appointments under paragraph (1) shall be  
23   made within 30 days after the date of enact-  
24   ment of this Act.



1 (B) EXPERTISE.—Individuals appointed  
2 under subparagraphs (C) through (F) of para-  
3 graph (1)—

4 (i) may not be employees of the Unit-  
5 ed States;

6 (ii) may not be board members or em-  
7 ployees of Amtrak;

8 (iii) may not be representatives of rail  
9 labor organizations or rail management;  
10 and

11 (iv) shall have technical qualifications,  
12 professional standing, and demonstrated  
13 expertise in the field of corporate manage-  
14 ment, finance, rail or other transportation  
15 operations, labor, economics, or the law, or  
16 other areas of expertise relevant to the  
17 Council.

18 (3) TERM.—Members shall serve for terms of 5  
19 years. If a vacancy occurs other than by the expira-  
20 tion of a term, the individual appointed to fill the  
21 vacancy shall be appointed in the same manner as,  
22 and shall serve only for the unexpired portion of the  
23 term for which, that individual's predecessor was ap-  
24 pointed.

1           (4) CHAIRMAN.—The Council shall elect a  
2       chairman from among its membership within 15  
3       days after the earlier of—

4                   (A) the date on which all members of the  
5       Council have been appointed under paragraph  
6       (2)(A); or

7                   (B) 45 days after the date of enactment of  
8       this Act.

9           (5) MAJORITY REQUIRED FOR ACTION.—A ma-  
10      jority of the members of the Council present and  
11      voting is required for the Council to take action. No  
12      person shall be elected chairman of the Council who  
13      receives fewer than 5 votes.

14      (c) ADMINISTRATIVE SUPPORT.—The Secretary of  
15      Transportation shall provide such administrative support  
16      to the Council as it needs in order to carry out its duties  
17      under this section.

18      (d) TRAVEL EXPENSES.—Each member of the Coun-  
19      cil shall serve without pay, but shall receive travel ex-  
20      penses, including per diem in lieu of subsistence, in ac-  
21      cordance with sections 5702 and 5703 of title 5, United  
22      States Code.

23      (e) MEETINGS.—Each meeting of the Council, other  
24      than a meeting at which proprietary information is to be  
25      discussed, shall be open to the public.

1       (f) ACCESS TO INFORMATION.—Amtrak shall make  
 2 available to the Council all information the Council re-  
 3 quires to carry out its duties under this section. The Coun-  
 4 cil shall establish appropriate procedures to ensure against  
 5 the public disclosure of any information obtained under  
 6 this subsection that is a trade secret or commercial or fi-  
 7 nancial information that is privileged or confidential.

8       (g) DUTIES.—

9           (1) EVALUATION AND RECOMMENDATION.—The  
 10 Council—

11               (A) shall evaluate Amtrak's performance;  
 12               and

13               (B) make recommendations to Amtrak for  
 14 achieving further cost containment and produc-  
 15 tivity improvements, and financial reforms.

16       (2) SPECIFIC CONSIDERATIONS.—In making its  
 17 evaluation and recommendations under paragraph  
 18 (1), the Council shall consider all relevant perform-  
 19 ance factors, including—

20               (A) Amtrak's operation as a national pas-  
 21 senger rail system which provides access to all  
 22 regions of the country and ties together existing  
 23 and emerging rail passenger corridors;

24               (B) appropriate methods for adoption of  
 25 uniform cost and accounting procedures

1 throughout the Amtrak system, based on gen-  
2 erally accepted accounting principles; and

3 (C) management efficiencies and revenue  
4 enhancements, including savings achieved  
5 through labor and contracting negotiations.

6 (3) MONITOR WORK-RULE SAVINGS.—If, after  
7 January 1, 1997, Amtrak enters into an agreement  
8 involving work-rules intended to achieve savings with  
9 an organization representing Amtrak employees,  
10 then Amtrak shall report quarterly to the Council—

11 (A) the savings realized as a result of the  
12 agreement; and

13 (B) how the savings are allocated.

14 (h) ANNUAL REPORT.—Each year before the fifth  
15 anniversary of the date of enactment of this Act, the  
16 Council shall submit to the Congress a report that includes  
17 an assessment of Amtrak's progress on the resolution or  
18 status of productivity issues; and makes recommendations  
19 for improvements and for any changes in law it believes  
20 to be necessary or appropriate.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to the Council such  
23 sums as may be necessary to enable the Council to carry  
24 out its duties.

1 **SEC. 204. SUNSET TRIGGER.**

2 (a) IN GENERAL.—If at any time more than 2 years  
3 after the date of enactment of this Act and implementa-  
4 tion of the financial plan referred to in section 201 the  
5 Amtrak Reform Council finds that—

6 (1) Amtrak’s business performance will prevent  
7 it from meeting the financial goals set forth in sec-  
8 tion 201; or

9 (2) Amtrak will require operating grant funds  
10 after the fifth anniversary of the date of enactment  
11 of this Act, then

12 the Council shall immediately notify the President, the  
13 Committee on Commerce, Science, and Transportation of  
14 the United States Senate; and the Committee on Trans-  
15 portation and Infrastructure of the United States House  
16 of Representatives.

17 (b) FACTORS CONSIDERED.—In making a finding  
18 under subsection (a), the Council shall take into account—

19 (1) Amtrak’s performance;

20 (2) the findings of the independent assessment  
21 conducted under section 202;

22 (3) the level of Federal funds made available  
23 for carrying out the financial plan referred to in sec-  
24 tion 201; and

1           (4) Acts of God, national emergencies, and  
2       other events beyond the reasonable control of Am-  
3       trak.

4       (c) ACTION PLAN.—Within 90 days after the Council  
5       makes a finding under subsection (a)—

6           (1) it shall develop and submit to the Congress  
7       an action plan for a restructured and rationalized  
8       national intercity rail passenger system; and

9           (2) Amtrak shall develop and submit to the  
10      Congress an action plan for the complete liquidation  
11      of Amtrak, after having the plan reviewed by the In-  
12      spector General of the Department of Transpor-  
13      tation and the General Accounting Office for accu-  
14      racy and reasonableness.

15   **SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF**  
16                   **RESTRUCTURING AND LIQUIDATION PLANS.**

17       (a) IN GENERAL.—If, within 90 days (not counting  
18      any day on which either House is not in session) after  
19      a restructuring plan is submitted to the House of Rep-  
20      resentatives and the Senate by the Amtrak Reform Coun-  
21      cil under section 204 of the Amtrak Reform and Account-  
22      ability Act of 1997, an implementing Act with respect to  
23      a restructuring plan (without regard to whether it is the  
24      plan submitted) has not been passed by the Congress, then  
25      a liquidation disapproval resolution shall be introduced in

1 the Senate by the Majority Leader of the Senate, for him-  
 2 self and the Minority Leader of the Senate, or by Members  
 3 of the Senate designated by the Majority Leader and Mi-  
 4 nority Leader of the Senate. The liquidation disapproval  
 5 resolution shall be held at the desk at the request of the  
 6 Presiding Officer.

7 (b) CONSIDERATION IN THE SENATE.—

8 (1) REFERRAL AND REPORTING.—A liquidation  
 9 disapproval resolution introduced in the Senate shall  
 10 be placed directly and immediately on the Calendar.

11 (2) IMPLEMENTING RESOLUTION FROM  
 12 HOUSE.—When the Senate receives from the House  
 13 of Representatives a liquidation disapproval resolu-  
 14 tion, the resolution shall not be referred to commit-  
 15 tee and shall be placed on the Calendar.

16 (3) CONSIDERATION OF SINGLE LIQUIDATION  
 17 DISAPPROVAL RESOLUTION.—After the Senate has  
 18 proceeded to the consideration of a liquidation dis-  
 19 approval resolution under this subsection, then no  
 20 other liquidation disapproval resolution originating  
 21 in that same House shall be subject to the proce-  
 22 dures set forth in this subsection.

23 (4) AMENDMENTS.—No amendment to the res-  
 24 olution is in order except an amendment that is rel-  
 25 evant to liquidation of Amtrak. Consideration of the

1 resolution for amendment shall not exceed one hour  
2 excluding time for recorded votes and quorum calls.  
3 No amendment shall be subject to further amend-  
4 ment, except for perfecting amendments.

5 (5) MOTION NONDEBATABLE.—A motion to  
6 proceed to consideration of a liquidation disapproval  
7 resolution under this subsection shall not be debat-  
8 able. It shall not be in order to move to reconsider  
9 the vote by which the motion to proceed was adopted  
10 or rejected, although subsequent motions to proceed  
11 may be made under this paragraph.

12 (6) LIMIT ON CONSIDERATION.—

13 (A) After no more than 20 hours of con-  
14 sideration of a liquidation disapproval resolu-  
15 tion, the Senate shall proceed, without interven-  
16 ing action or debate (except as permitted under  
17 paragraph (9)), to vote on the final disposition  
18 thereof to the exclusion of all amendments not  
19 then pending and to the exclusion of all mo-  
20 tions, except a motion to reconsider or table.

21 (B) The time for debate on the liquidation  
22 disapproval resolution shall be equally divided  
23 between the Majority Leader and the Minority  
24 Leader or their designees.



1           (7) DEBATE OF AMENDMENTS.—Debate on any  
2       amendment to a liquidation disapproval resolution  
3       shall be limited to one hour, equally divided and con-  
4       trolled by the Senator proposing the amendment and  
5       the majority manager, unless the majority manager  
6       is in favor of the amendment, in which case the mi-  
7       nority manager shall be in control of the time in op-  
8       position.

9           (8) NO MOTION TO RECOMMIT.—A motion to  
10      recommit a liquidation disapproval resolution shall  
11      not be in order.

12          (9) DISPOSITION OF SENATE RESOLUTION.—If  
13      the Senate has read for the third time a liquidation  
14      disapproval resolution that originated in the Senate,  
15      then it shall be in order at any time thereafter to  
16      move to proceed to the consideration of a liquidation  
17      disapproval resolution for the same special message  
18      received from the House of Representatives and  
19      placed on the Calendar pursuant to paragraph (2),  
20      strike all after the enacting clause, substitute the  
21      text of the Senate liquidation disapproval resolution,  
22      agree to the Senate amendment, and vote on final  
23      disposition of the House liquidation disapproval res-  
24      olution, all without any intervening action or debate.

1           (10) CONSIDERATION OF HOUSE MESSAGE.—

2           Consideration in the Senate of all motions, amend-  
3           ments, or appeals necessary to dispose of a message  
4           from the House of Representatives on a liquidation  
5           disapproval resolution shall be limited to not more  
6           than 4 hours. Debate on each motion or amendment  
7           shall be limited to 30 minutes. Debate on any appeal  
8           or point of order that is submitted in connection  
9           with the disposition of the House message shall be  
10          limited to 20 minutes. Any time for debate shall be  
11          equally divided and controlled by the proponent and  
12          the majority manager, unless the majority manager  
13          is a proponent of the motion, amendment, appeal, or  
14          point of order, in which case the minority manager  
15          shall be in control of the time in opposition.

16          (c) CONSIDERATION IN CONFERENCE.—

17               (1) CONVENING OF CONFERENCE.—In the case  
18               of disagreement between the two Houses of Congress  
19               with respect to a liquidation disapproval resolution  
20               passed by both Houses, conferees should be prompt-  
21               ly appointed and a conference promptly convened, if  
22               necessary.

23               (2) SENATE CONSIDERATION.—Consideration in  
24               the Senate of the conference report and any amend-  
25               ments in disagreement on a liquidation disapproval

1 resolution shall be limited to not more than 4 hours  
2 equally divided and controlled by the Majority Lead-  
3 er and the Minority Leader or their designees. A  
4 motion to recommit the conference report is not in  
5 order.

6 (d) DEFINITIONS.—For purposes of this section—

7 (1) LIQUIDATION DISAPPROVAL RESOLUTION.—

8 The term “liquidation disapproval resolution” means  
9 only a resolution of either House of Congress which  
10 is introduced as provided in subsection (a) with re-  
11 spect to the liquidation of Amtrak.

12 (2) RESTRUCTURING PLAN.—The term “re-  
13 structuring plan” means a plan to provide for a re-  
14 structured and rationalized national intercity rail  
15 passenger transportation system.

16 (e) RULES OF SENATE.—This section is enacted by  
17 the Congress—

18 (1) as an exercise of the rulemaking power of  
19 the Senate, and as such they are deemed a part of  
20 the rules of the Senate, but applicable only with re-  
21 spect to the procedure to be followed in the Senate  
22 in the case of a liquidation disapproval resolution;  
23 and they supersede other rules only to the extent  
24 that they are inconsistent therewith; and

1           (2) with full recognition of the constitutional  
 2           right of the Senate to change the rules (so far as re-  
 3           lating to the procedure of the Senate) at any time,  
 4           in the same manner and to the same extent as in  
 5           the case of any other rule of the Senate.

6 **SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.**

7           Section 24315 is amended by adding at the end the  
 8           following new subsection:

9           “(h) ACCESS TO RECORDS AND ACCOUNTS.—A State  
 10          shall have access to Amtrak’s records, accounts, and other  
 11          necessary documents used to determine the amount of any  
 12          payment to Amtrak required of the State.”.

13 **SEC. 207. OFFICERS’ PAY.**

14          Section 24303(b) is amended by adding at the end  
 15          the following: “The preceding sentence shall not apply for  
 16          any fiscal year for which no Federal assistance is provided  
 17          to Amtrak.”.

18 **SEC. 208. EXEMPTION FROM TAXES.**

19          (a) IN GENERAL.—Subsection (l) of section 24301 is  
 20          amended—

21               (1) by striking so much of paragraph (1) as  
 22               precedes “exempt” and inserting the following:

23               “(1) IN GENERAL.—Amtrak, a rail carrier sub-  
 24               sidiary of Amtrak, and any passenger or other cus-  
 25               tomer of Amtrak or such subsidiary, are”;

1           (2) by striking “tax or fee imposed” in para-  
 2           graph (1) and all that follows through “levied on it”  
 3           and inserting “tax, fee, head charge, or other  
 4           charge, imposed or levied by a State, political sub-  
 5           division, or local taxing authority on Amtrak, a rail  
 6           carrier subsidiary of Amtrak, or on persons traveling  
 7           in intercity rail passenger transportation or on mail  
 8           or express transportation provided by Amtrak or  
 9           such a subsidiary, or on the carriage of such per-  
 10          sons, mail, or express, or on the sale of any such  
 11          transportation, or on the gross receipts derived  
 12          therefrom”;

13          (3) by striking the last sentence of paragraph  
 14          (1);

15          (4) by striking “(2) The” in paragraph (2) and  
 16          inserting “(3) JURISDICTION OF UNITED STATES  
 17          DISTRICT COURTS.—The”; and

18          (5) by inserting after paragraph (1) the follow-  
 19          ing:

20               “(2) PHASE-IN OF EXEMPTION FOR CERTAIN  
 21               EXISTING TAXES AND FEES.—

22               “(A) YEARS BEFORE 2000.—Notwith-  
 23               standing paragraph (1), Amtrak is exempt from  
 24               a tax or fee referred to in paragraph (1) that  
 25               Amtrak was required to pay as of September

1           10, 1982, during calendar years 1997 through  
 2           1999, only to the extent specified in the follow-  
 3           ing table:

PHASE-IN OF EXEMPTION

Year of assessment	Percentage of exemption
1997	40
1998	60
1999	80
2000 and later years	100

4           “(B) TAXES ASSESSED AFTER MARCH, 1999.—  
 5           Amtrak shall be exempt from any tax or fee referred  
 6           to in subparagraph (A) that is assessed on or after  
 7           April 1, 1999.”.

8           (b) EFFECTIVE DATE.—The amendments made by  
 9           subsection (a) do not apply to sales taxes imposed on  
 10          intrastate travel as of the date of enactment of this Act.

11       **SEC. 209. LIMITATION ON USE OF TAX REFUND.**

12          (a) IN GENERAL.—Amtrak may not use any amount  
 13          received under section 977 of the Taxpayer Relief Act of  
 14          1997—

15               (1) for any purpose other than the financing of  
 16               qualified expenses (as that term is defined in section  
 17               977(e)(1) of that Act); or

18               (2) to offset other amounts used for any pur-  
 19               pose other than the financing of such expenses.

20          (b) REPORT BY ARC.—The Amtrak Reform Council  
 21          shall report quarterly to the Congress on the use of

1 amounts received by Amtrak under section 977 of the  
 2 Taxpayer Relief Act of 1997.

### 3 **TITLE III—AUTHORIZATION OF** 4 **APPROPRIATIONS**

#### 5 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 24104(a) is amended to read as follows:

7 “(a) IN GENERAL.—There are authorized to be ap-  
 8 propriated to the Secretary of Transportation—

9 “(1) \$1,138,000,000 for fiscal year 1998;

10 “(2) \$1,058,000,000 for fiscal year 1999;

11 “(3) \$1,023,000,000 for fiscal year 2000;

12 “(4) \$989,000,000 for fiscal year 2001; and

13 “(5) \$955,000,000 for fiscal year 2002,

14 for the benefit of Amtrak for capital expenditures under

15 chapters 243 and 247 of this title, operating expenses, and

16 payments described in subsection (c)(1) (A) through (C).

17 In fiscal years following the fifth anniversary of the enact-

18 ment of the Amtrak Reform and Accountability Act of

19 1997 no funds authorized for Amtrak shall be used for

20 operating expenses other than those prescribed for tax li-

21 abilities under section 3221 of the Internal Revenue Code

22 of 1986 that are more than the amount needed for bene-

23 fits of individuals who retire from Amtrak and for their

24 beneficiaries.”.

1       **TITLE IV—MISCELLANEOUS**

2       **SEC. 401. STATUS AND APPLICABLE LAWS.**

3       Section 24301 is amended—

4           (1) by striking “rail carrier under section  
5       10102” in subsection (a)(1) and inserting “railroad  
6       carrier under section 20102(2) and chapters 261  
7       and 281”; and

8           (2) by amending subsection (c) to read as fol-  
9       lows:

10       “(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of  
11       this title shall not apply to Amtrak, except for sections  
12       11301, 11322(a), 11502, and 11706. Notwithstanding the  
13       preceding sentence, Amtrak shall continue to be consid-  
14       ered an employer under the Railroad Retirement Act of  
15       1974, the Railroad Unemployment Insurance Act, and the  
16       Railroad Retirement Tax Act.”.

17       **SEC. 402. WASTE DISPOSAL.**

18       Section 24301(m)(1)(A) is amended by striking  
19       “1996” and inserting “2001”.

20       **SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.**

21       Section 24310 and the item relating thereto in the  
22       table of sections for chapter 243 are repealed.

23       **SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.**

24       Section 24314 and the item relating thereto in the  
25       table of sections for chapter 243 are repealed.



1 **SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**

2 **MAIN LINE.**

3 (a) REPEAL.—Section 24903 is repealed and the  
4 table of sections for chapter 249 is amended by striking  
5 the item relating to that section.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 24902 is amended by striking sub-  
8 sections (a), (c), and (d) and redesignating sub-  
9 section (b) as subsection (a) and subsections (e)  
10 through (m) as subsections (b) through (j), respec-  
11 tively.

12 (2) Section 24904(a)(8) is amended by striking  
13 “the high-speed rail passenger transportation area  
14 specified in section 24902(a) (1) and (2)” and in-  
15 serting “a high-speed rail passenger transportation  
16 area”.

17 **SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.**

18 (a) APPLICATION TO AMTRAK.—

19 (1) ACCESS IMPROVEMENTS AT CERTAIN  
20 SHARED STATIONS.—Amtrak is responsible for its  
21 share, if any, of the costs of accessibility improve-  
22 ments at any station jointly used by Amtrak and a  
23 commuter authority.

24 (2) CERTAIN REQUIREMENTS NOT TO APPLY  
25 UNTIL 1998.—Amtrak shall not be subject to any re-  
26 quirement under subsection (a)(1), (a)(3), or (e)(2)

1 of section 242 of the Americans With Disabilities  
2 Act of 1990 (42 U.S.C. 12162) until January 1,  
3 1998.

4 (b) CONFORMING AMENDMENT.—Section 24307 is  
5 amended—

6 (1) by striking subsection (b); and

7 (2) by redesignating subsection (c) as sub-  
8 section (b).

9 **SEC. 407. DEFINITIONS.**

10 Section 24102 is amended—

11 (1) by striking paragraphs (2) and (11);

12 (2) by redesignating paragraphs (3) through  
13 (10) as paragraphs (2) through (9), respectively;  
14 and

15 (3) by inserting “, including a unit of State or  
16 local government,” after “means a person” in para-  
17 graph (7), as so redesignated.

18 **SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.**

19 Section 1163 of the Northeast Rail Service Act of  
20 1981 (45 U.S.C. 1111) is repealed.

21 **SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

22 (a) AMENDMENT.—

23 (1) IN GENERAL.—Section 8G(a)(2) of the In-  
24 spector General Act of 1978 (5 U.S.C. App.) is  
25 amended by striking “Amtrak,”.

1           (2) EFFECTIVE DATE.—The amendment made  
2       by paragraph (1) takes effect in the first fiscal year  
3       for which Amtrak receives no Federal subsidy.

4           (b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall  
5       not be considered a Federal entity for purposes of the In-  
6       specter General Act of 1978. The preceding sentence shall  
7       apply for any fiscal year for which Amtrak receives no  
8       Federal subsidy.

9           (c) FEDERAL SUBSIDY.—

10          (1) ASSESSMENT.—In any fiscal year for which  
11       Amtrak requests Federal assistance, the Inspector  
12       General of the Department of Transportation shall  
13       review Amtrak’s operations and conduct an assess-  
14       ment similar to the assessment required by section  
15       202(a). The Inspector General shall report the re-  
16       sults of the review and assessment to—

17                (A) the President of Amtrak;

18                (B) the Secretary of Transportation;

19                (C) the United States Senate Committee  
20       on Appropriations;

21                (D) the United States Senate Committee  
22       on Commerce, Science, and Transportation;

23                (E) the United States House of Represent-  
24       atives Committee on Appropriations;

1 (F) the United States House of Represent-  
2 atives Committee on Transportation and Infra-  
3 structure.

4 (2) REPORT.—The report shall be submitted, to  
5 the extent practicable, before any such committee re-  
6 ports legislation authorizing or appropriating funds  
7 for Amtrak for capital acquisition, development, or  
8 operating expenses.

9 (3) SPECIAL EFFECTIVE DATE.—This sub-  
10 section takes effect 1 year after the date of enact-  
11 ment of this Act.

12 **SEC. 410. INTERSTATE RAIL COMPACTS.**

13 (a) CONSENT TO COMPACTS.—Congress grants con-  
14 sent to States with an interest in a specific form, route,  
15 or corridor of intercity passenger rail service (including  
16 high speed rail service) to enter into interstate compacts  
17 to promote the provision of the service, including—

18 (1) retaining an existing service or commencing  
19 a new service;

20 (2) assembling rights-of-way; and

21 (3) performing capital improvements, includ-  
22 ing—

23 (A) the construction and rehabilitation of  
24 maintenance facilities;

25 (B) the purchase of locomotives; and

1 (C) operational improvements, including  
 2 communications, signals, and other systems.

3 (b) FINANCING.—An interstate compact established  
 4 by States under subsection (a) may provide that, in order  
 5 to carry out the compact, the States may—

6 (1) accept contributions from a unit of State or  
 7 local government or a person;

8 (2) use any Federal or State funds made avail-  
 9 able for intercity passenger rail service (except funds  
 10 made available for the National Railroad Passenger  
 11 Corporation);

12 (3) on such terms and conditions as the States  
 13 consider advisable—

14 (A) borrow money on a short-term basis  
 15 and issue notes for the borrowing; and

16 (B) issue bonds; and

17 (4) obtain financing by other means permitted  
 18 under Federal or State law.

19 **SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIREC-**  
 20 **TORS.**

21 Section 24302(a) is amended—

22 (1) by striking “3” in paragraph (1)(C) and in-  
 23 serting “4”;

24 (2) by striking clauses (i) and (ii) of paragraph  
 25 (1)(C) and inserting the following:

1 “(i) one individual selected as a rep-  
2 resentative of rail labor in consultation  
3 with affected labor organizations.

4 “(ii) one chief executive officer of a  
5 State, and one chief executive officer of a  
6 municipality, selected from among the  
7 chief executive officers of States and mu-  
8 nicipalities with an interest in rail trans-  
9 portation, each of whom may select an in-  
10 dividual to act as the officer’s representa-  
11 tive at board meetings.”;

12 (3) striking subparagraphs (D) and (E) of  
13 paragraph (1);

14 (4) inserting after subparagraph (C) the follow-  
15 ing:

16 “(D) 3 individuals appointed by the Presi-  
17 dent of the United States, as follows:

18 “(i) one individual selected as a rep-  
19 resentative of a commuter authority (as  
20 defined in section 102 of the Regional Rail  
21 Reorganization Act of 1973 (45 U.S.C.  
22 702)) that provides its own commuter rail  
23 passenger transportation or makes a con-  
24 tract with an operator, in consultation with  
25 affected commuter authorities.

1 “(ii) one individual with technical ex-  
2 pertise in finance and accounting prin-  
3 ciples.

4 “(iii) one individual selected as a rep-  
5 resentative of the general public.”; and

6 (5) by striking paragraph (6) and inserting the  
7 following:

8 “(6) The Secretary may be represented at a  
9 meeting of the Board by his designate.”.

10 **SEC. 412. EDUCATIONAL PARTICIPATION.**

11 Amtrak shall participate in educational efforts with  
12 elementary and secondary schools to inform students on  
13 the advantages of rail travel and the need for rail safety.

14 **SEC. 413. REPORT TO CONGRESS ON AMTRAK BANK-**  
15 **RUPTCY.**

16 Within 120 days after the date of enactment of this  
17 Act, the Comptroller General shall submit a report identi-  
18 fying financial and other issues associated with an Amtrak  
19 bankruptcy to the United States Senate Committee on  
20 Commerce, Science, and Transportation and to the United  
21 States House of Representatives Committee on Transpor-  
22 tation and Infrastructure. The report shall include an  
23 analysis of the implications of such a bankruptcy on the  
24 Federal Government, Amtrak’s creditors, and the Railroad  
25 Retirement System.

1 **SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RE-**  
2 **LATIONSHIPS.**

3 If, at any time, during a fiscal year in which Amtrak  
4 receives Federal assistance, Amtrak enters into a consult-  
5 ing contract or similar arrangement, or a contract for lob-  
6 bying, with a lobbying firm, an individual who is a lobby-  
7 ist, or who is affiliated with a lobbying firm, as those  
8 terms are defined in section 3 of the Lobbying Disclosure  
9 Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the  
10 United States Senate Committee on Commerce, Science,  
11 and Transportation, and the United States House of Rep-  
12 resentatives Committee on Transportation and Infrastruc-  
13 ture of—

- 14 (1) the name of the individual or firm involved;  
15 (2) the purpose of the contract or arrangement;  
16 and  
17 (3) the amount and nature of Amtrak's finan-  
18 cial obligation under the contract.

19 This section applies only to contracts, renewals or exten-  
20 sions of contracts, or arrangements entered into after the  
21 date of the enactment of this Act.

Passed the Senate November 7, 1997.

Attest:

*Secretary.*



105TH CONGRESS  
1ST SESSION

**S. 738**

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**AN ACT**

To reform the statutes relating to Antrak, to authorize appropriations for Antrak, and for other purposes.

S 738 ES—2

S 738 ES—3

S 738 ES—4

S 738 ES—5